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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,250	08/07/2001	Richard E. Rowe	IGT1P063/P-575	2786

22434 7590 06/24/2004

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EXAMINER	
MOSSER, ROBERT E	
ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/924,250	ROWE ET AL.	
	Examiner	Art Unit	
	Robert Mosser	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

In response to amendment mailed March 5th, 2004. Claims 1-37 are pending and claim 38 has been previously canceled.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-4, 5-7, 9, 11-15, 19-24, 27, 30-32, 34, and 36-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Saunders (US Pat 6,547,664).

Regarding claims 1, 3, 6,19, and 23, Saunders teaches a promotional device having a indicia of credit associated therewith for effecting operation of one specific game embodied as code on a gaming machine which is in communication with the promotional device, the promotional device identifying the specific game application and limiting the use of credit thereto (game-specific credit). The promotional device is used

in conjunction with a gaming machine comprising circuitry for receiving encoded information from the promotional device, and a processor configured to determine whether the specific game application is associated with the gaming machine and in the case of establishing association further enabling operation of the specific game application in accordance with the credit (See Figure 1 & Col 7:34-8:16). Wherein the determination and enablement based on said determination, of a specific-game application is provided for by those gaming machines equipped with the system as described or alternatively those gaming applications present on the machines attached to the network. And the utilization (operable employment of encoded identification information is viewed as the equivalent to the machine validation of funds based on the received account number from the submitted ticket.

Regarding claims 2 and 4, and in addition to the above stated, the promotional device further includes visual elements representing the specific game application (See Figure 3; TickeTrak).

Regarding claims 5 and 7, and in addition to the above stated, the promotional device may comprise a printed ticket wherein the indicia of credit may comprise a barcode or in the alternative a card wherein the indicia of credit is encoded onto a magnetic stripe (See Col 1:50-61 & Col 7:43-53).

Regarding claim 9 and in addition to the above stated, the use of a magnetic strip (as cited above) is by definition the use of a magnetic memory (or equivalent magnetic strip) and hence a memory as so claimed.

Regarding claims 11-13, 20, 21 and 27, and in addition to the above stated, Saunders teaches the permanent storage of the information encoded on the ticket (including cash-in value, player name and/or player ID number) within a central computer (See Figure 1 and Col 7:41-61), which reads on a gaming machine is part of a gaming network which includes a remote storage device, at least part of the indicia of credit being stored in the remote storage device and the promotional device identifies the user as part of the indicia of credit stored on a remote device..

Regarding claims 14 and 30- 32, and in addition to the above stated Saunders teaches the use of a PIN for identification of a player authorized to redeem credit (See Col 7:62-8:15)

Regarding claim 15 and in addition to the above stated Saunders teaches the insertion of the promotional device into a slot/receptacle (430) of the gaming machine to facilitate communication (See Col 7:62-65 & Col 5:44-6:2).

Regarding Claim 22 and in addition to the above stated Saunders teaches the use of a barcode reader (560) and a magnetic card reader (670).

Regarding claim 24 and 34, and in addition to the above stated Saunders teaches the use of a gaming machine in a network (See Figure 1) including a game server (40) that enables game play through reading a ticket at the machine and validating the information read through the game server before enabling game play (See Col 6:61-66). Wherein the object associated with game play and distributed between the gaming application and the server is the credit validation.

Regarding claims 36 and 37 and in addition to the above stated Saunders teaches limiting the use of the player ticket to machines equipped with the reader and attached to the central computer and teaches that the system is compatible with a variety of game machines. This results in limiting the use of the ticket to use on the network it was issued on and venues available on said network.

2. Claims 1-3, 5, 6, 12, 13, 17, 19, 20-22, 23-25, 27, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Seidman (US Pat 5,080.364).

Seidman teaches a promotional device (token) having an indicia of game specific credit associated therewith for effecting operation of game code (encoded on said token) corresponding to a specific game on a gaming machine which is in communication with the promotional device identifying the specific game and limiting the use of the game specific credit thereto (See Figs 1 & 2). Wherein the game specific credit is considered encompassed by the testing of the tokens for a winning code and the subsequent awarding of a prize resultant of a positive determination of the presence of such a code (See Col 5:26-48).

The visual depiction and limiting to one specific game as claimed at least in claims 2, 3, 5,17, and 36 is present in the token presented in the upper left hand side of figure 1, where in the description is directed to both a specific casino and a specific game. The token further includes a bar code as so claimed (Elm 38).

The network including a remote storage device as claimed in at least claims 12, 20, 24, and 25 is embodied in a central data processing device (Elm 22) and the associated network of Figure 1.

The user identification associated as claimed in at least claims 13, 21, and 27 is embodied in barcode element 50 as described in Column 4:55-61.

The bar coder reader as claimed in at least claims 22 is present in Element 16.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 8 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders (US 6,547,664).

Regarding claims 8 and 10 and in addition to the above mentioned. While Saunders is silent on the use of a incorporating the specific game identification information into the barcode, magnetic information or equivalent memory of the promotional device, he does use it for a variety of other information in order to help prevent fraud (Col 8: 11-15). It is well known to use the barcodes, magnetic information and memory to identify the application for which a device containing such is intended. This point is readily appreciable with such basic examples a such as loot tickets, credit cards, and the validation codes used in similar gaming systems. It would have been obvious for one of ordinary skill in the art at the time of invention to incorporate the information included in the afore mentioned forms on the promotional device in order to provide an additional means of device validation and protect against fraud.

4. Claims16-18, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders (US 6,547,664) in view of Mish et al (US 6,254,006).

Regarding claims 16 and 35 and in addition to the above disclosed Saunders teaches a cashless method of gaming including means for transferring data both through barcode and through magnetic strip but is silent on the use of wireless transmission. Mish teaches the use of Wireless communication devices and methods of forming the afore mentioned. Further Mish teaches the use of the parent technology of

his invention or specifically smart cards with gaming machines (See Col 1:30-35). It would have been obvious for one of ordinary skill in the art at the time of invention to have used wireless transmission in place of contact transmissions as mentioned above in order to provide a system that would be subject to less mechanical wear and provide fewer avenues for debris to enter the body of the gaming machine.

Regarding claims 17-18 and in addition to the above disclosed. The invention of Saunders/Mish further includes visual elements representing the gaming applications (See Figure 3 Saunders; TickeTrak) for indicating the at least one gaming venue in which the promotional device may be employed.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders (US 6,547,664) in view of Luciano et al (US 6,500,067).

In addition to the above disclosed Saunders teaches the connection of a plurality of gaming machines and cashiers to a central computer (See figure 1) but does not specify the means by which they are networked together. Luciano et al discloses a voucher gaming system LAN interconnected system components including a plurality of terminals, a central server and cashier terminals (See Col 3:65-4:18). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used a LAN type network for the network as describe in the invention of Saunders et al in order to provide a network that is readily adaptable to the addition and removal of components such as cashier stations.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders (US 6,547,664) in view of Stern (US 6,110,044).

In addition to the above disclosed Saunders teaches a cashless gaming system comprising of multiple game machines interconnected for enabling the cashless ticket systems only and is silent on making this process stand-alone. Stern teaches a method for issuing and validating gaming tickets that is implemented in a stand-alone process (Col 3:24-41). It would have been obvious for one of ordinary skill in the art at the time of invention to have implemented the system through stand alone devices in order to prevent the network installation expenditures for the smaller casinos.

7. Claims 28, 29, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders (US 6,547,664) in view of Walker et al (US 6,227,972).

In regards to claims 28 and 29 and in addition to the above disclosed Saunders teaches a cashless method of gaming including the transfer of credit but is silent on altering service associated the specific user on at least one application dependent on their credit. Walker et all teaches the altering of services such as availability, credit, and inclusion/exclusion of a player tracking number (See Figure 5) in a method and apparatus for expiration of prepaid slot machine plays It would have been obvious for one of ordinary skill in the art at the time of invention to have altered the services in

accordance with a players credit in order to allow the establishments to custom their promotions to each individual.

In regards to claims 33 and in addition to the above disclosed Saunders teaches a cashless method of gaming including a player card but is silent on a player tracking service associated with the card. Walker et all teaches the use of player tracking services in conjunction with a player card (See Figure 5) in a method and apparatus for expiration of prepaid slot machine plays It would have been obvious for one of ordinary skill in the art at the time of invention to have incorporated player tracking with a player card in order to allow the users improved satisfaction and added incentives for wagering.

Response to Arguments

With regards to the Saunders arguments that Saunders fails to teach a gaming device with information encoded thereon, which the gaming machine is operable to employ to identify the specific game. However in so much as the game device of Saunders contains a coded barcode, which is further read by a game machine and then utilized (operable employed) to validate the use of the specific games on a game machine through the validation of funds, it meets the limitations set forth. As stated

previously as many different games maybe enabled by utilization of Saunders system so is one game enabled.

Based on the arguments presented by the examiner in the office action remarks of March 3rd, 2004 and November 11th, 2003 and incorporated by reference herein, the applicant has not provided any contra evidence either separating or otherwise tending a distinction between the previously presented interpretation of the Saunders reference with regard to the enabling of only the devices attached to the validation means and the claimed invention. Though it seems that the applicant intends a distinction to lie in the validation of a single machine for a single game this feature is encompassed by Saunders. In particular if the system of Saunders enables a system wherein only one machine is connected to a validation server or alternatively only the same type of single game machine is connected to the sever thereby providing the claimed system without alteration.

With regards to the Seidman reference, the applicant argues that the information encoded on Seidman's tokens do not a) contain encoded information that might be used by a gaming machine to identify a specific game, and b) limit the use of a game specific credit to the game identified.

As presented in the previous rejection under Seidman Figure 2 is believed to clearly establish this issue, as a code is read ("Read Code"), evaluated ("CODE 42?", "CODE 38?", "ISSUE REJECT MESSAGE"), and the game proceeds to either proceed with the play of a lotto type game for the receipt of a valid code or does not allow a patron to participate in any of the available lottos. Thus the invention of Seidman clearly

utilizes encoded information to identify specific lottos (a game) and only allows participation in the game upon receipt of a valid code.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (703)-305-4253. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REM

JESSICA HARRISON
PRIMARY EXAMINER